



# FloorPrep

Legislative Digest

Thursday, October 14, 1999

J.C. Watts, Jr.  
Chairman  
4th District, Oklahoma

*House Meets at 10:00 a.m. for Legislative Business*

*Anticipated Floor Action:*

**H.R. 2684—FY 2000 VA/HUD Appropriations Act (Conference Report)**

**H.R. 2679—Motor Carrier Safety Act**

**H.R. 3064—FY 2000 District of Columbia Appropriations Act**

**Motion to Instruct Conferees on H.R. 2670 (FY 2000 Commerce, Justice, State, and the Judiciary Appropriations Act)**

**Motion to Instruct Conferees on H.R. 1501 (Consequences for Juvenile Offenders Act)**



**H.R. 2684—FY 2000 VA/HUD Appropriations Act (Conference Report)**

**Floor Situation:** The House will consider the conference report to H.R. 2684 as its first order of business. Conference reports are privileged and may be considered any time three days after they are filed; they are debatable for one hour and are subject to one motion to recommit. Yesterday, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

**Summary:** The conference report to H.R. 2684 provides \$99.5 billion for veterans' benefits, housing programs, and various agencies dealing mostly with science, space, and the environment (this total includes \$2.5 billion for FEMA designated as emergency spending and a \$4.2 billion advance appropriation request for FY 2001 for Section 8 housing). The total amount is \$4.2 billion more than the FY 1999 level (which included \$2.1 billion in FY 1999 emergency spending), \$150.1 million less than the president's request, and \$7.5 billion more than the House-passed bill (which did not include any emergency spending or an FY 2001 advance appropriation).

The conference agreement provides \$44.3 billion for the Department of Veterans Affairs (VA), \$1.7 billion more than in FY 1999, \$1.8 billion more than the president's request, and \$178 million more than the House-passed bill. The measure provides \$26 billion for the Department of Housing and Urban Development (HUD), \$1.9 billion more than in FY 1999 and \$115.8 million less than the House-passed bill (this

amount includes the president's FY 2001 advance appropriation request of \$4.2 billion for Section 8 housing). The conference agreement provides a total of \$11.4 billion for Section 8 housing programs, \$1.1 billion more than last year and \$836.6 million more than the House level. The measure also includes \$4.8 billion for community development block grants, \$1 billion for homeless assistance block grants, and \$911 million for housing intended for the elderly or people with disabilities.

The conference report provides \$7.6 billion for the Environmental Protection Agency (EPA), \$1.3 million more than in FY 1999 and \$284.1 million more than the House-passed bill. This amount includes (1) \$683 million for EPA research and development; (2) \$1.4 billion for Superfund cleanup work; (3) \$3.5 billion for state and tribal environmental grants; (4) \$1.35 billion for clean water state revolving funds; and (5) \$820 million for safe drinking water state revolving funds.

The conference agreement also provides:

- \* \$3.4 billion for the Federal Emergency Management Agency (FEMA), \$480.9 million more than in FY 1999 and \$2.5 billion more than the House-passed bill (this total includes \$2.5 billion designated as emergency spending);
- \* \$13.7 billion for NASA, \$12.3 million less than in FY 1999 and \$998.9 million more than the House level;
- \* \$3.9 billion for the National Science Foundation (NSF), \$240.9 million more than in FY 1999 and \$275.2 million more than the House-passed level; and
- \* \$438.5 million for the Corporation for National and Community Service, equal to the FY 1999 level (the House-passed bill recommended that funding for the agency be terminated, except for \$3 million for Inspector General activities).

The measure includes several offsets. Specifically, it rescinds (1) \$1.3 billion of recaptured funds from excess Section 8 reserves; (2) \$943 million in previously-appropriated unobligated Section 8 balances; (3) \$319 million from the Federal Housing Administration; and (4) \$80 million for the Corporation for National and Community Service.

Finally, the conference agreement (1) prohibits funds in the bill from being used to develop or issue regulations to implement the Kyoto Protocol; (2) eliminates a House-passed provision that rescinded \$3 billion in Tennessee Valley Authority (TVA) borrowing authority; (3) includes a modified version of H.R. 202, which provides HUD with additional authority to offer enhanced vouchers to elderly and disabled residents and authorizes the HUD Secretary to renew existing Section 8 contracts based on certain conditions (details are outlined below).

The House passed H.R. 2684 by a vote of 235-187 on September 9, 1999. The Senate passed its version by voice vote on September 24, 1999.

**Views:** The Republican leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time. Unofficially, press reports have indicated that the president intends to sign the measure.

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #24, September 3, 1999. For information on H.R. 202 (the Preserving Affordable Housing for Senior Citizens Into the 21<sup>st</sup> Century Act) as it was debated in the House, see #27, September 24, 1999.



## H.R. 2679—Motor Carrier Safety Act

**Floor Situation:** The House will consider H.R. 2679 after it considers the conference report to H.R. 2684. Yesterday, the Rules Committee granted an open rule that provides one hour of general debate, equally divided between the chairman and ranking minority member of the Transportation Committee. The rule self-executes (*i.e.*, incorporates into the base text of the bill upon passage of the rule) an amendment by Mr. Shuster that makes technical and clarifying changes to the bill. In addition, the rule makes in order a manager's amendment by Mr. Shuster (see description below) and waives all points of order against its consideration. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 2679 creates the National Motor Carrier Administration (NMCA) as a separate agency within the Department of Transportation (DOT) to administer federal motor carrier safety programs (these functions currently are managed by the Federal Highway Administration). The measure establishes the Office of Passenger Vehicle Safety to oversee bus-related safety issues, the Office of Consumer Affairs to address consumer-related concerns, and the Office of International Affairs to oversee truck safety programs at U.S. borders with Mexico and Canada.

The measure authorizes an additional \$75 million from the Highway Trust Fund for each of FYs 2000-2003 for the motor carrier safety assistance program (MCSAP). The bill also increases the amount of guaranteed funding provided in the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21; *P.L. 105-178*) for MCSAP by the following amounts: \$55 million in FY 2000 and \$65 million for each of FYs 2001-2003. In order to partially offset the increase in funding, the bill amends TEA-21 to reduce the obligation ceiling for federal-aid highways program by \$55 million in FY 2000 and by \$65 million for each of FYs 2001-2003. The committee expects the MCSAP funding increase to allow states to hire more inspectors and safety personnel.

H.R. 2679 also reforms the process for issuing commercial driver's licenses (CDL). As a condition for issuing CDLs and receiving funds authorized by the bill, states must comply with expanded federal guidelines for issuing and disqualifying driver's licenses. States must check the National Driver Registry and the Commercial Driver's License Information System before issuing any driver's license. The measure bans the practice of issuing temporary or provisional licenses, so that when a driver's CDL is suspended, the driver must serve out the full term of the suspension without driving a commercial motor vehicle. The bill also imposes longer disqualification periods for violations that cause fatalities and requires states to improve their data systems.

CBO estimates that enactment will result in additional discretionary spending of approximately \$340 million over the FY 2000-2004 period, assuming appropriation actions consistent with the bill. The bill was

introduced by Mr. Shuster *et al.* and was reported by the Transportation Committee by voice vote on August 5, 1999.

**Views:** The Republican leadership supports passage of the bill. The Clinton Administration supports the intent of the measure and has no objection to passage if the bill is amended with certain changes. For example, the administration wants to remove the bill's mandatory assessment of maximum fines for violators, which it says inappropriately limits the DOT's discretionary authority.

**Amendments:** As stated above, the rule makes in order a manager's amendment, debatable before any other amendment.

— *Manager's Amendment* —

**Mr. Shuster** will offer a manager's amendment to make a number of changes to the bill. Specifically, the amendment:

- \* modifies the terms and conditions under which a person may be assessed the maximum civil penalties for violating federal motor carrier safety laws;
- \* authorizes the DOT to place a truck out of service when determining that it is operating without the required registration or operating beyond the scope of its registration. It also prohibits the operation of trucks that lack a copy of their registration documents;
- \* authorizes the DOT to suspend the registration of a motor carrier for failing to pay any civil penalties within 180 days or under terms of an approved payment plan;
- \* modifies the current requirement that states, as a condition of receiving motor carrier safety grants, cooperate with the DOT to enforce federal registration and financial responsibility requirements;
- \* strikes the current three-year renewal process for agreements regarding certain collective activities;
- \* clarifies the current standard under which the DOT may put a truck, driver, or motor carrier's operations out of service when finding that they constitute an imminent hazard;
- \* prohibits motor carriers from operating in interstate commerce if the carrier fails to pay any civil penalty for violating federal motor carrier safety laws within 180 days or under terms of an approved payment plan;
- \* mandates that the Unified Carrier Registry incorporate the Single State Registration System (SSRS) to be the exclusive registration system for motor carriers operating in interstate commerce as of January 1, 2002 (with the separate SSRS terminating on this same date);
- \* establishes civil penalties and permits the NMCA to disqualify foreign carriers that intentionally operate without authorization outside the boundaries of a commercial zone along the U.S.-Mexico border; and

- \* directs DOT to study the merits of requiring that any verified positive drug test results of a truck driver be reported to the driver's state of licensure, as well as requiring all prospective employers to query the state on whether a driver has any verified positive drug tests.

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2679:

**Mr. Gonzalez** may offer an amendment (#1) to require the Transportation Secretary to issue regulations, within one year of enactment, to require all commercial motor vehicles to display the department's toll-free telephone hotline number for reporting safety violations on their vehicles. **Staff Contact: Trey Freels, x5-3236**

**Mrs. Jackson-Lee** may offer an amendment (#2) to express the sense of Congress that the National Motor Carrier Administration should implement the National Transportation Safety Board's recommendation that recording devices be installed in trucks. In the last decade, the NTSB has twice recommended that the Transportation Department adopt regulations that require adequate recording devices on trucks, which it believes will help enforce hours-of-service regulations, assist the agency in accident investigations, and ultimately enhance safety. **Staff Contact: Brian Robinson, x5-3816**

**Mrs. Jackson-Lee** may offer an amendment (#3) to require the Transportation Secretary to conduct a study to determine if the use of recording devices (*i.e.*, black boxes) in commercial motor vehicles will provide a tamper proof mechanism for use in investigating accidents and enforcing hours-of-service regulations. The secretary must submit the report to Congress within one year of enactment. **Staff Contact: Brian Robinson, x5-3816**

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #29, October 11, 1999.



## **H.R. 3064—FY 2000 District of Columbia Appropriations Act**

**Floor Situation:** The House will consider H.R. 3064 after it completes consideration of H.R. 2679. Appropriations bills are privileged and may be considered any time three days after they are filed. On Wednesday, October 13, the Rules Committee granted a closed rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule provides one motion to recommit, with or without instructions.

**Summary:** H.R. 3064 is similar to the conference report to H.R. 2587, which was vetoed by the president on September 28, 1999. The new bill contains funding levels identical to the conference agreement, but eliminates and modifies certain legislative provisions. Specifically, H.R. 3064 increases by 20 percent (from \$50 to \$60) the cap on hourly compensation set by the conference report to H.R. 2587 for attorneys who represent a party in litigation against District of Columbia public schools under the Individuals with Disabilities Act. The bill also eliminates provisions in the conference report that (1) limited the salaries that the District may pay members of the city council; and (2) allowed cellular towers to be erected in Rock Creek Park.

In addition, the bill makes technical corrections to the conference report to H.R. 2587 concerning leases entered into by the District. The new language requires the mayor and city council to work together before entering into such leases. Finally, the bill contains a new section to prohibit the “Legalization of Marijuana for Medical Treatment Initiative of 1998” from taking effect. In 1998, the District held a referendum on legalizing marijuana for medical use. The ballots were recently tallied and a majority of voters approved the initiative.

H.R. 3064 appropriates \$429 million to fund the operation of the Nation’s Capital, District correctional activities, and D.C. courts. This amount is \$24 million less than the original House-passed bill and \$255 million less than FY 1999 (included in the FY 1999 appropriations bill was \$64 million in emergency funding for Y2K conversion). Of this amount, the bill provides (1) \$176 million for Corrections Trustee operations (\$7 million less than the House-passed bill); (2) \$99.7 million for operating city courts (\$1 million less than the House-passed bill); and (3) \$17 million for the D.C. Resident Tuition Support program (equal to the House-passed measure). Finally, the bill approves the \$6.8 billion District budget, which is \$7.4 million less than the House-passed bill and \$11.7 million less than the FY 1999 level. The District budget funds all aspects of the city’s operation including public education and safety, human support services, and enterprise funds. Funding for the District includes \$1.4 billion for a six-year capital outlay program.

The measure also:

- \* prohibits federal and District funds from being spent on needle exchange programs in D.C.;
- \* allows charter schools access to funds for building and repairing elementary and secondary schools, and allows preference for siblings of charter schools in the admissions process;
- \* prohibits any funding from being used to legalize or reduce penalties for possessing, using, or distributing any Schedule 1 substance under the Controlled Substance Act or any tetrahydrocannabinol derivative (e.g., marijuana);
- \* provides \$5 million to create incentives to adopt children in the District’s foster care system (\$3.5 million less than the House bill);
- \* provides \$33.3 million for a new appropriation account for attorney programs for indigent defendants, child abuse cases, and guardianship cases administered by District courts;
- \* provides \$150 million for a budget reserve, as required by the FY 1999 D.C. Appropriations Act (*P.L. 105-277*), to prevent the District from running a budget deficit. The bill also requires the District to maintain a budget surplus of not less than four percent and allows any budget surplus in excess of four percent to be used for debt reduction and non-recurring expenses;
- \* continues to prohibit the use of any federal or District-raised funding to provide abortions, except in the case of rape, incest, or danger to the mother’s life;

- \* retains current law to prohibit any federal or District funds to implement programs that extend the same rights designated for married couples to cohabiting unmarried couples—such as domestic partners;
- \* prohibits federal funds from being used to sue Congress for voting representation;
- \* requires the District to terminate real property leases on property which the D.C. government does not occupy. The bill also requires the mayor and city council to certify that other District owned/leased property is not available before the District can enter into a lease; and
- \* ratifies the Tax Parity Act passed by the D.C. City Council. This local measure provides \$59 million in tax relief for D.C. residents.

The House passed H.R. 2587 by a vote of 333-92 on July 29, 1999. The Senate approved S. 1283 by unanimous consent on August 2, 1999. The House adopted the conference report to H.R. 2587 by a vote of 208-206 on September 9, 1999. The Senate approved the conference report by a vote of 52-39 on September 16, 1999. On September 28, 1999, President Clinton vetoed the measure.

**Views:** The Republican leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time.

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #24, September 3, 1999; and #22, July 23, 1999.



### **Motion to Instruct Conferees on H.R. 2670 (FY 2000 Commerce, Justice, State, and the Judiciary Appropriations Act)**

**Floor Situation:** Sometime today, the House may consider a motion by **Mr. Tancredo** to instruct conferees on H.R. 2670. Such a motion may be offered as a privileged matter after a measure has been in conference for 20 days; it is debatable for one hour. Motions to instruct are non-binding (i.e., they state the House's opinion on a matter but do not *require* any particular action from House conferees).

**Summary:** The Tancredo motion instructs conferees on H.R. 2670 to agree to provisions that (1) reduce nonessential spending in programs within the Departments of Commerce, Justice, State, the Judiciary, and related agencies; (2) reduce spending on international organizations in particular, in order to honor the commitment Congress made to protect Social Security; and (3) do not increase overall spending above the higher of the House or Senate level. The House passed H.R. 2670 by a vote of 217-210 on August 5, 1999. The Senate passed its version (S. 1217) by unanimous consent on September 8, 1999.

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #23, Pt. II, August 3, 1999.



## Motion to Instruct Conferees on H.R. 1501 (Consequences for Juvenile Offenders Act)

**Floor Situation:** Sometime today, the House may consider a motion by **Mrs. Jackson-Lee** to instruct conferees on H.R. 1501. Such a motion may be offered as a privileged matter after a measure has been in conference for 20 days; it is debatable for one hour. Motions to instruct are non-binding (*i.e.*, they state the House's opinion on a matter but do not *require* any particular action from House conferees).

**Summary:** The Jackson-Lee motion on H.R. 1501 states that (1) the conference should immediately convene its first substantive meeting to offer amendments and motions, including gun safety amendments; and (2) conferees should conclude their deliberations and report a conference agreement by October 20 so that Congress may consider the measure before adjourning the first session of the 106<sup>th</sup> Congress. The House passed H.R. 1501 by a vote of 287-139 on June 16, 1999; the Senate passed a similar measure (S. 254) by a vote of 73-25 on May 20, 1999. The House appointed conferees on July 30.

**Additional Information:** See *Legislative Digest*, Vol. XXVIII, #17, June 11, 1999.



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